

To Federal Communications Commission Chairman Julius Genachowski, Commissioners Michael Copps, Mignon Clyburn, Robert McDowell and (cc: Meredith Atwell Baker)

The National Broadband Plan in its current form fails consumers and the lack of solid statutory Network Neutrality rules under Title II broadband reclassification creates uncertainty about the agency's ability to have oversight of broadband providers, enforce Net Neutrality rules and protect users and innovators online from ISP discrimination. It fails to address issues like a lack of competition in the market for providing fixed wire-line broadband connections in the U.S. Today broadband has become an essential public utility like having access to clean water, working electricity etc for our way of life -- we need it to provide economic opportunities for all Americans to succeed in the 21st century.

We need the Internet to be fully open to encourage more public participation and empower free flow of communication, information, and commerce. The FCC is doing little or nothing in this regard to expand broadband adoption. The agency's December Net Neutrality order is weak at best and exempts wireless services. Wireless carriers have been claiming they should not be subject to Network Neutrality rules as wireless is somehow different. However it is outrageous to have rules on the one hand mandating openness but saying we will only require the Net to be half open.

As service providers like AT&T get to merge with other big service providers and/or content providers they develop a conflict of interest and their incentives change. They develop so much market dominance they decide they can abuse it and not have to worry about losing customers. These providers falsely and knowingly claim if we try to discriminate users will switch to another provider but in an anti competitive duopoly market with limited consumer choices most providers want to discriminate and in the absence of rules would do so.

The FCC should rework the National Broadband Plan to focus on competition in fixed wire-line broadband services and wireless mobile broadband services. The FCC should reclassify broadband under Title II as I stated in the docket last year on Title II reclassification and have common carrier Network Neutrality rules to preserve the free and Open Internet. These rules should be established on statutory constitutional authority and not exempt wireless services as the Internet has to be fully open. Rules letting it be only half open are insufficient and unacceptable.

A lack of competition results in poorer service with providers focusing more on maximizing revenues, squeezing consumers by making us pay more for less service, investing less in improving network capacity and leads to higher prices. I have already filed comments opposing the AT&T Mobility T Mobil merger for creating a wireless duopoly between AT&T and Verizon Wireless for cellular phone service and mobile broadband that would give AT&T by the way an exclusive monopoly in the U.S. on GSM based 3G services.

As I have stated in that docket AT&T is a spectrum hog and have cited articles -- providing research to back up my claims that they have enough spectrum already they don't need T Mobil's spectrum to improve their network (despite their claims to the contrary) they need to increase their network capacity by investing more in their network. The AT&T T Mobil merger as a matter of fact could very well lead to several job losses for T Mobil employees.

Instead of merely subsidizing expanding broadband deployment in unserved areas of the country we should be ensuring policies to encourage higher broadband adoption are in fact adopted and roadblocks to adoption -- limited competition i.e. fewer consumer choices, higher prices are resolved. Do not uphold the status quo on broadband -- no to the duopoly on fixed connections. It was bad enough under the Bush Cheney Administration that fixed broadband became a duopoly -- that AT&T got to reconstitute Ma Bell by re-merging with two Baby Bells SBC Communications & Bell South, while Qwest got to merge with the giant US West provider (and since President Obama came to office got permission to merge with Century Link) mergers that should have never happened with or without conditions as they massively reduced competition, consumer choice, led to higher prices, subpar service, etc. Who is being served by taxpayer funding for expanding broadband deployment potential users (the consumer) or the big service providers wanting to expand deployment but maintain roadblocks that leave some people unserved or under-served (they have broadband but quality could be better in under-served areas)!? Any federal funding for broadband deployment as stated earlier must be awarded and spent transparently. Any company taking public money to expand broadband or public spectrum to expand broadband must comply with specific public interest obligations.

President Obama's National Wireless Initiative is a non starter without Network Neutrality. We need open wireless access. In the same way the Carterfone ruling enabled the innovation of the fax machine to occur we need to be able to have open and universal access to the Internet (carriers of traditional fixed wire-line telephone services could not require people to use a specific device handset with a specific carrier -- today we can use any land-line based phone with the phone provider of our choice in the wire-line market and providers cannot control the flow of innovation -- slow it down by denying certain innovations and allowing others -- etc there was a wave of innovation in wire-line voice services an explosion of competition and innovation. We need wholesale open access to be possible for cellular phones too -- mandates allowing unlocked cellular phones to be made available that can work on any and all wireless networks in the future.) President Obama's National Wireless Initiative gives public spectrum away via auction to big wireless carriers to expand mobile broadband but unless there are public interest obligations imposed on them then thanks but no thanks we don't need to give them public spectrum. That spectrum just becomes commercial private spectrum for these big corporations and they do whatever they want with it unless required to use it transparently.

To allow AT&T to monopolize everything now and for the wireless market to also become a duopoly is unacceptable. AT&T's data caps unfairly exempt their own online services from competition and innovation by others. It puts AT&T at an unfair advantage over innovators and harms users wanting to use other competitor's innovative services. The future Googles and Yahoos of the world, the Facebook's and Twitters would be forced to pay extortion to these big cable and phone companies in a closed Internet world. The Internet should not be closed by government or corporations. Censorship of individual free speech online is unacceptable and immoral. Censorship whether it be by government or corporate gatekeepers cannot and should not be condoned. What will happen to noncommercial, and independent groups online? What will happen to noncommercial, indy nonprofits, groups like the religious right wing Christian Coalition which endorsed Network Neutrality, the liberal MoveOn.org, and even Public Citizen which has been silent on the issue of Net Neutrality even as they fight against corporate power abuses by corporations not in the ISP or content business? As President Obama once stated along the 2008 campaign trail for the Presidency when he said "I will take a backseat to no one on my commitment to Network Neutrality" he stated that he supports it because once providers begin to favor some content over others smaller voices get squeezed out unfairly.

I refuse to accept the carving up of the Net into an unequal two-tiered Internet with a slow public lane for the rest of us and a fast private (for profit) lane for a few with discriminatory services allowed under the managed services moniker. The Internet cannot be half open it will and should be either fully open or closed and refuse to support a closed Internet. The Internet was built on openness and must remain open. I want rules to protect the Open Internet as it exists today. Any Universal Service Funds (USF) or other form of taxpayer subsidized funding to expand broadband deployment also must have public interest obligations and all broadband providers using public spectrum and/or money must comply with Network Neutrality guidelines of reasonable network management.

Packet discrimination where ISPs can discriminate against Internet packets based on their content source or destination is unacceptable. The National Broadband Plan must be re-worked to address its deficiencies and the FCC must work to mandate, enforce, protect and promote greater competition in fixed wire-line broadband and wireless mobile broadband services. Whether someone uses a laptop computer with 3G or future 4G mobile broadband services or a smartphone or tablet computer with wireless 3G or 4G mobile broadband services we should be able to have open and universal access to the Internet. Making broadband within reach for people stuck on dead end dial up connections is important by both promoting increased deployment and adoption via mandates and promotion of increased competition.

These are the things we need:

Access -- Every home business and civic institution in America must have access to a high-speed,

world-class communications infrastructure.

Choice -- Every Internet user must enjoy real choice in online content as well as among high-speed Internet providers to achieve lower prices and faster speeds.

Openness -- Every Internet user should have the right to freedom of speech and commerce online in an open market without gatekeepers or discrimination

Innovation -- The Internet should continue to create good jobs, foster entrepreneurship, spread new ideas and serve as a leading engine of economic growth.